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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,900	10/12/2004	Scott H. Gaboury	81104146 (FGT 1937 PA)	5899
28549	7590	10/09/2007		
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			EXAMINER ARTHUR JEANGLAUDE, GERTRUDE	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,900

Applicant(s)

GABOURY ET AL.

Examiner

Gertrude Arthur-Jeanglaude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al. (U.S. Pub No. 20030222440).

As to claim 1, Basir et al. disclose a method of calibrating at least one occupant classification sensor (See paragraph 0003, 0028) comprising: receiving calibration signals (paragraph 0028) originating from at least one on-board vehicle calibration device; Basir does not specifically disclose performing at least one calibration task comprising initializing and generating a baseline for the at least one occupant classification sensor in response to the calibration signals; and indicating performance confirmation of the at least one calibration task. However, Basir et al. disclose calibration approach is used (See paragraph 0028-0030). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Basir et al. by performing at least one calibration task comprising initializing and generating a baseline for the at least one occupant classification sensor in response to the calibration signals; and indicating performance confirmation of the at least one calibration task to have a vehicle occupant safety system.

As to claim 12, basir et al. disclose at least one calibration task is performed in response to the calibration signals received in a predetermined sequence (See paragraph 0031).

As to claim 14, Basir et al. disclose at least one occupant classification sensor is selected from at least one of a pressure sensor, a strain gage, a piezo electric sensor, an infrared sensor, a piezo resistive sensor, and an ultrasonic sensor (See paragraph 0003).

As to claim 15, Basir et al. disclose the baseline is selected from an occupant weight baseline, an occupant position baseline, an occupant present baseline, and an occupant size baseline (See paragraph 0003, 0018).

As to claim 16, Basir et al. disclose on-board calibration device is selected from at least one of a brake pedal, a gas pedal, a key cylinder, an ignition switch, a key receiver, a timer, a seat, seat belt buckle, a set belt retractor, a seat belt receiver, a seat belt buckle receiver, a seat belt anchor, a button, a switch, and a dial (See paragraph 0018).

As to claim 17, Basir et al. disclose all but fail to specifically disclose the indicator is selected from at least one of an LCD display, a monitor, an LED, a display, a dashboard vehicle system status indicator, an audio system, a video system, a heads-up display, and a lamp. However, Basir et al. disclose some type of display not shown (See paragraph 0019). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Basir et al. by having some type of

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display as a dashboard in the vehicle system status indicator (vehicle track) to provide safety.

As to claim 18, Basir et al. disclose a controller 24 adjusts said baseline when said calibrations signals are received in a predetermined sequence (See paragraph 0019, 0030, 0031).

As to claims 13, 19, Basir et al. disclose a countermeasure system for a vehicle comprising: at least one collision detection sensor configured to detect an object and generate an object detection signal; at least one occupant classification sensor (occupant position sensor; paragraph 0003) having a baseline and generating occupant classification signals; a controller (unit 24) receiving calibration signals originating from at least one on-board vehicle calibration device and configured to adjust said baseline and generate a calibrated output in response to the occupant classification signals and the calibration signals; an indicator coupled to the controller and configured to indicate performance confirmation of at least one calibration task; and the controller performing a countermeasure in response to the object detection signal and the calibrated output (See paragraph 0019, 0028, 0029) it is considered that the prior art covers all limitations such as calibration tasks as a calibration routine or calibration approach is used to solve absolute occupant position (See paragraph 0028).

As to claim 20, Basir et al. disclose performing a countermeasure comprises activating at least one countermeasure device selected from a pretensioner, an air bag, a knee bolster device, a head restraint device, and a load limiting device (See paragraph 0003, 0018).

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace (U.S. Pub No. 20030040858).

As to claim 1, Wallace disclose a method of calibrating at least one occupant classification sensor comprising: receiving calibration signals originating from at least one on-board vehicle calibration device; performing at least one calibration task comprising initializing and generating a baseline for the at least one occupant classification sensor in response to said calibration signals; and indicating performance confirmation of said at least one calibration task. (See abstract).

Although Wallace does not specifically disclose receiving the calibration signals and indicating performance confirmation of the calibration task, it is considered as the equivalent because a calibration unit is used for performing a calibration process (task) and wherein as a performance confirmation, a weight estimation module can perform a weight estimation process that uses calibration data from the calibration process (See abstract). Therefore it would have been obvious to one of ordinary skill in the art the time of the invention to modify the system of Wallace by receiving the calibration signals and indicating performance confirmation of the calibration task to classify a vehicle occupant.

As to claims 2-12, Wallace discloses the calibration unit as discussed for performing calibration task and wherein one of ordinary skill would have actuating at least a portion of said at least one on-board vehicle calibration device; and at least one calibration task is performed in response to said actuation of said portion; also one

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would want to generate the calibration signals in response to actuation of an ignition switch and in response to application of pressure on a seat system for a predetermined time period (See abstract); Wallace discloses generating the calibration signals in response to buckling and unbuckling a seat belt a predetermined amount and generating the calibration signals in response to releasing pressure on a seat system; generating said baseline comprises zeroing said at least one occupant classification sensor; indicating performance confirmation of said at least one calibration task comprises indicating confirmation of an initialization mode; indicating performance confirmation of said at least one calibration task comprises flashing a lamp a predetermined amount; generating occupant classification signals in response to the baseline; generating a calibrated output in response to the calibration signals and the occupant classification signals; and verifying the calibrated output; at least one calibration task is performed in response to the calibration signals received in a predetermined sequence (See paragraph 0078, 0080, 0084, 0124, 0141).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gertrude A. Jeanglaude
Gertrude A. Jeanglaude
Primary Examiner
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gaj